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Amended
36
Docket No.: OSTEONICS 3.0-408 11603
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Delogé et al.

Application No.: 10/008,336

Group Art Unit: 3732

Filed: November 8, 2001

Examiner: E. Robert

For: TARGETING APPARATUS FOR USE IN
PERFORMING ENDOFEMORAL
OSTEOTOMY SURGERY

RESPONSE TO RESTRICTION REQUIREMENT

RECEIVED

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOV 05 2003

TECHNOLOGY CENTER R3700

Dear Sir:

This communication is in response to the Office Action mailed September 30, 2003, setting forth a Restriction Requirement in the above-identified application. In the Office Action, the Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

- I. Claims 1-36, drawn to a targeting apparatus, classified in class 606, subclass 96.
- II. Claims 37-39, drawn to a kit of parts, classified in class 606, subclass 86.
- III. Claims 40-47 drawn to a targeting apparatus, classified in class 606, subclass 98.

In response, Applicants hereby elect the invention of Group III, corresponding to claims 40-47. Applicants reserve the right to file a divisional application corresponding to the non-elected claims.

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I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 30, 2003

Signature:

(Raymond W. Augustin)



3132

| AMENDMENT TRANSMITTAL LETTER | | | | Docket No. OSTEONICS 3.0-408 | |
|--|---|---|---------------------------------------|---------------------------------|------|
| Application No. 10/008,336 | | Filing Date November 8, 2001 | | Examiner E. Robert | |
| | | | | Art Unit 3732 | |
| Applicant(s): Nicolas Delogé, Jean-Pierre Brée, Arnaud Aux Epaules, Philippe Lavielle, and Christophe Cueille | | | | | |
| Invention: TARGETING APPARATUS FOR USE IN PERFORMING ENDOFEMORAL OSTEOTOMY SURGERY | | | | | |
| TO THE COMMISSIONER FOR PATENTS | | | | | |
| Transmitted herewith is an amendment in the above-identified application. The fee has been calculated and is transmitted as shown below. | | | | | |
| CLAIMS AS AMENDED | | | | | |
| | Claims Remaining After Amendment | Highest Number Previously Paid | Number Extra Claims Present | Rate | |
| Total Claims | 23 | - 47 = | | x | 0.00 |
| Independent Claims | 1 | - 3 = | | x | 0.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | |
| Other fee (please specify): | | | | | |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT: | | | | | 0.00 |
| <input checked="" type="checkbox"/> Large Entity | | | <input type="checkbox"/> Small Entity | | |
| <input checked="" type="checkbox"/> No additional fee is required for this amendment. | | | | | |
| <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____ A duplicate copy of this sheet is enclosed. | | | | | |
| <input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed. | | | | | |
| <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. | | | | | |
| <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>12-1095</u> as described below. A duplicate copy of this sheet is enclosed. | | | | | |
| <input checked="" type="checkbox"/> Credit any overpayment. | | | | | |
| <input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17. | | | | | |
| Raymond W. Augustin Attorney Reg. No.: 28,588 | | | | Dated: <u>October 30, 2003</u> | |
| LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 600 South Avenue West Westfield, New Jersey 07090 (908) 518-6318 | | | | | |
| I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Non-Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below. | | | | | |
| Dated: October 30, 2003 | | Signature: (Raymond W. Augustin) | | | |

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